IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 12086 of 2005

Between:

G.V. Narayana, S/o. Ranappa,
Bisinivaripalli Village, R/o. Bisinivaripalli Village, Gandlavaripalli Post,

Tanakal Mandal,
Anantapur District.

..... PETITIONER

AND

1 Government of Andhra Pradesh, Rep. by its Ex. Officio Secretary & Commissioner of Civil Supplies, Secretariat, Hyderabad.
2 Director of Civil Supplies, O/o. Commissioner for Civil Supplies, Somajiguda, Hyderabad.
3 The District Collector, Anantapur, Anantapur District,
4 Revenue Divisional Officer, Penukonda, Anantapur District.
5 Mandal Revenue Officer, Tanakal Mandal, Anantapur district.
6 D. Vemanarayana S/o. Ramakrishnappa
Tanakal Mandal, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an appropriate writ, order or Direction, preferably one in the nature of writ of mandamus, declaring the order of the 2nd respondent passed in Proc. No. N1/307/2003 dt. 13-7-2004 and that of the impugned order of the 1st Respondent dt. 6-4-2005 made in CCS. Ref.N1/3023/2005 as arbitrary, illegal and contrary to law and consequently direct the respondents 4 and 5 herein to implement the order of the 3rd respondent herein passed in D.Dis.No. K4/PKD/2012/03, dt. 21-4-2003 to enable the petitioner to take charge as Dealer of F.P. Shop of Basinivaripalli Village, Gandlavaripalli Post, Tanakal Mandal, Anantapur District forthwith, and pass such

other or further orders as are necessary.

Counsel for the Petitioner: MR.M.PRASADA RAO

Counsel for the Respondent Nos. 1 to 5: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.6: --

The Court, at the stage of admission, made the following:

Oral order:-

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

On 21-04-2003, the 3rd respondent, in the interest and for the convenience of supply of essential commodities, accorded permission for the proposals of bifurcation of the fair price shop T. Sadam and sanction of a new fair price shop in Bisinivaripalli village, which was earlier attached to T. Sadam village. The petitioner was appointed as a 'fair price shop dealer' of such bifurcated Bisinivaripalli village fair price shop, on a temporary basis, pending a regular appointment/authorization. The existing permanent fair price shop dealer of T. Sadam village aggrieved by the orders of bifurcation in the 3rd respondent's proceedings dated 21-04-2003 preferred an appeal to the 1st respondent. By the order dated 13-07-2004 (impugned herein), the 1st respondent allowed the appeal and set aside the orders of the 3rd respondent-Collector dated 21-04-2003. The 1st respondent recorded that the total cardholders strength of T. Sadam before bifurcation was 310 cards that as a result of bifurcation, the card holders strength is further reduced and the T. Sadam village would have 158 cards, while Bisinivaripalli village would have 152 cards and as a result both fair price shops would become unviable. This would lead to a potential misuse of the dealership by authorisees of both the shops and black-marketing of essential commodities. For this public interest component and on a perception that viable cardholders strength is conducive to the integrity in the functioning of a fair price shop, the 1st respondent interfered in exercise of his appellate jurisdiction and set aside the orders of the 3rd respondent bifurcating the fair shop. As a consequence of the cancellation of bifurcation, the petitioner -- a temporary authorisee of Bisinivaripalli village fair price shop newly created -- looses his authorization. Aggrieved thereby, he is before this court.

The only substantial ground of attack is that he looses his authorization and

to give it a colour of legitimacy, the petitioner contends that the convenience of the consumers is also relevant factor, which was lost sight of by the 1st respondent, while canceling the orders of Collector bifurcating the shops.

In the considered view of this court, the grievance of the petitioner has no legal basis. The reasons recorded by the 1st respondent for allowing the appeal are cogent, germane and relevant to the conclusions. Non-viability of a fair price shop in terms of the number of cards allotted to each shop is a critical factor which influences the integrity or otherwise of the functioning of a fair price shop. This court finds no infirmity in the impugned order of the 1st respondent warranting interference and no merits in the writ petition. The writ petition is accordingly dismissed at the stage of admission.

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GODA RAGHURAM, J

Dt. 09-06-2005

Pvks/*

To

1. The Ex. Officio Secretary & Commissioner of Civil Supplies, Government of Andhra Pradesh, Secretariat, Hyderabad.
2 Director of Civil Supplies, O/o. Commissioner for Civil Supplies, Somajiguda, Hyderabad.
3 The District Collector, Anantapur, Anantapur District,
4 Revenue Divisional Officer, Penukonda, Anantapur District.
5 Mandal Revenue Officer, Tanakal Mandal, Anantapur district.
6 D. Vemanarayana S/o. Ramakrishnappa
Tanakal Mandal, Anantapur District.

7**.** The Government Pleader for Civil Supplies, A.P. High Court Buildings, Hyderabad (OUT).

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